

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TAFT R. LEWIS,

Plaintiff,

Case No. 14-cv-13146

Hon. Matthew F. Leitman

v.

CITY OF ROMULUS *et al.*,

Defendants.

ORDER (1) ADOPTING REPORT AND RECOMMENDATION (ECF #81);
AND (2) DISMISSING PLAINTIFF'S CLAIMS AGAINST DEFENDANT
TERESA SMITH WITHOUT PREJUDICE

On September 2, 2015, Magistrate Judge Elizabeth A. Stafford issued a Report and Recommendation ("R&R") recommending that the Court dismiss the claims that Plaintiff Taft R. Lewis ("Lewis") has brought against Defendant Teresa Smith ("Smith") due to Lewis's failure to serve Smith with his Complaint or his First Amended Complaint (the "R&R"). (*See* ECF #81.)¹

The R&R stated that the parties could object to and seek review of the recommendation within fourteen days. (*See id.* at 2-3, Pg. ID 488-489.) The R&R further advised that "[f]iling objections which raise some issues but fail to raise

¹ The Magistrate Judge had previously issued an Order to Show Cause, requiring Lewis to show cause why his claims against Smith should not be dismissed due to his failure to serve Smith (the "Show Cause Order"). (*See* ECF #75.) Smith did not respond to the Show Cause Order. (*See* R&R at 1, Pg. ID 488.)

others with specificity will not preserve all objections that party might have to this Report and Recommendation.” (*Id.* at 2, Pg. ID 488.)

No party has objected to the R&R and the time to file such objections has expired. Failure to file objections to the R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge’s R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nevertheless reviewed the R&R and agrees with the findings and conclusions of the Magistrate Judge.

Therefore, **IT IS HEREBY ORDERED** that the Magistrate Judge's September 2, 2015, Report and Recommendation (ECF #81) is **ADOPTED** as the Opinion of this Court. **IT IS FURTHER ORDERED**, for the reasons stated in the R&R, that Lewis’s claims against Defendant Teresa Smith are **DISMISSED WITHOUT PREJUDICE**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 8, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 8, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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